TL 3099

OMCT
OPERATING THE SOS-TORTURE NETWORK

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Case IDN/TMP 211196
and
Case IDN/TMP 211196.CC

The International Secretariat of OMCT requests your **URGENT** intervention in the following situation in **East Timor**.

Brief description of the situation :
The International Secretariat has been informed, by a reliable source, of the presumed disappearance of **ten East Timorese men** who have disappeared following military operations against the civilian population in the hamlet of Waihulae in the district of Viqueque, East Timor.

The military activities in Waihulae have followed the alleged killing of Manuel Atimeta by Domingos Sarmento, a member of the RAJAWALI battalion and 2 members of KOPASSUS (Special Forces Command). It is believed Atimeta was shot dead by the three members of the military on 9 November, 1996, between Waihulae and the village of Waguia in the sub-district of Ossu.

Members of battalion 328 (KOPASSUS forces under the command of General Commander Prabowo), battalion 514 (also KOPASSUS) and members of the Indonesian armed forces (ABRI) went into Waihulae at 3.00am on 15 November 1996, surrounding houses and ordering civilians to present themselves in front of the village office. Six East Timorese men were arrested, tied up and driven by car to the military post at Buanurak hamlet. It is believed that those being arrested have been forced to accuse the Resistance guerrillas of killing Atimeta.

Five of those arrested have been identified: **Antonio da Silva Monteiro** (29) and his brother **Paulo da Costa** (27), (sons of Gamuleki and Labu-mali), **Armindo Monteiro** (22), (son of Labi-Lu and Duci-Loy), **Jose Monteiro** (31), (son of Lu Loy and Ciba-Loy), and **Armindo da Silva** (31), (son of Susu-Naha and Mariana). The identity of the other East Timorese man arrested is still unknown.

Families of the six detainees went to the military post at Buanurak to visit them but were informed by the Indonesian military that all six had jumped out of the car and escaped while being transported to Viqueque. The military claimed they had looked for the escaped prisoners but could not find them and believed they were probably in hiding. However, the families of the six men have been unable to locate them and fear for their safety.

Another four men, **Jose da Silva**, **Chiquito da Silva**, **Aquiles da Silva** and **Gilberto da Silva** who reside in RK V in Samalari, Waihulae, also disappeared following the late-night visit by the military to Waihulae. It is not known whether they were arrested and their whereabouts is still unknown. It is believed that the Indonesian military is responsible for the disappearance of all ten men and grave fears are held for their safety; in particular, they may be at risk of torture and ill-treatment in detention, or even arbitrary execution.

The situation in Waihulae is still very tense and people are not able to move around freely.

The International Secretariat has also been informed, by the same source, that 1996 has seen a continuation of the pattern of disappearances, arbitrary arrests and extra-judicial executions in East Timor, including in the Viqueque district. According to the same source of information, three extra-judicial executions are believed to have taken place in the Viqueque district this year. There was no official investigation of the alleged killings.

On 9 January at 3.00pm, it is believed that **Monica Guterres**, a 20 year old student from the village of Ossu de Cima in the district of Viqueque, died after soldiers from Battalion 328 shot indiscriminately at a civilian car between Liaruca and Ossu. It is believed **her unidentified 10 year old brother** was also killed. Indonesian authorities claimed that Resistance fighters were responsible for the killings.

On 18 September at 7.30 am, it is believed that **Jacinto de Sousa Pandal** (52) and his nephew **Luis Ximenes Belo** (23) were shot dead by "red beret" forces (probably Special Forces Command) in the area of Akadira Loibere near Viqueque while they were riding a motorcycle. The killings were witnessed by two women who said the soldiers covered their faces with black cloths.

It is alleged that the Indonesian military frequently accuses the Resistance guerrillas of extra-judicial executions perpetrated by themselves. A similar situation occurred in Baucau on 6 November when East Timorese youths, including **Azito Freitas**, were arrested following the killing of Julio Fraga who was, according to ETHRC sources, killed by members of the Indonesian army.

Action requested :
Please write to the Indonesian authorities urging them to :

i. locate the whereabouts of the **ten East Timorese men** detained and take the appropriate measures to guarantee their physical and psychological integrity;

ii. order their immediate release if they are detained without valid charges or, if such charges exist, bring them before a competent and impartial civil tribunal and guarantee their procedural rights at all times;

iii. guarantee an impartial and exhaustive enquiry into the disappearances and the extra-judicial executions above-mentioned, identify those responsible, bring them to trial and apply the penal, civil and/or administrative sanctions provided by legislation;

iv. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with national laws and international standards.

Addresses :
MINISTER OF JUSTICE
M. Haji Utoyo Usman S.H., Menteri Kehakiman, JI. H.R. Rasuna Said Kav. 6-7, Kuningan, Jakarta Selatan, Indonesia. Fax : + 62 21 314 1625

CHIEF OF NATIONAL POLICE
Maj. Gen. (Pol.) Banurusman Atmosumitro, Kapolri, Markas Besar Kepolisian RI, JI. Trunojoyo 13, Kebayoran Baru, Jakarta Selatan, Indonesia. Telegrams : National Police Chief, Jakarta, Indonesia

MILITARY COMMANDER REGION IX/UDAYANA (covers East Timor, amongst other areas)
Maj. Gen. H. A. Rivai, Pangdam IX/Udayana, Markas Besar KODAM IX/Udayana, Denpasar, Bali, Indonesia. Telegram : Pangdam IX/Udayana, Denpasar, Bali, Indonesia.

SECRETARY GENERAL, NATIONAL COMMISSION ON HUMAN RIGHTS
Prof. Dr. Baharuddin Lopa, Sekretaris Jenderal, Komisi Nasional Hak Azasi Manusia (Komnas HAM), JI Pemuda No.104 Arawamangun, Jakarta, Indonesia.

Geneva, 21 November 1996

Kindly inform us of any action undertaken quoting the code number of this appeal in your reply.